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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [AF](#)  
SUBJECT: AFGHANISTAN -- 2009 TIP REPORT: PRESS GUIDANCE  
AND DEMARCHE

REF: A. (A) STATE 59732  
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Afghanistan of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Afghanistan and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Afghanistan of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Afghanistan,s country narrative in the 2009 TIP Report:

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AFGHANISTAN (TIER 2)  
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Afghanistan is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Afghan boys and girls are trafficked within the country for commercial sexual exploitation, forced marriage to settle debts or disputes, forced begging, as well as forced labor or debt bondage in brick kilns, carpet-making factories, and domestic service. Afghan children are also trafficked to Iran and Pakistan for forced labor, particularly in Pakistan,s carpet factories, and forced marriage. Boys are promised enrollment in Islamic schools in Pakistan, but instead are trafficked to camps for paramilitary training by extremist groups. Afghan women and girls are trafficked within the country and to Pakistan and Iran for commercial sexual exploitation and temporary marriages. Some Afghan men force their wives or daughters into prostitution. Afghan men are trafficked to Iran and Pakistan for forced labor and debt bondage, as well as to Greece for forced labor in the agriculture or construction sectors. Afghanistan is also a destination for women and girls from Iran, Tajikistan, and possibly China trafficked for commercial sexual exploitation. Tajik women are also believed to be trafficked through Afghanistan to Pakistan and Iran for commercial sexual exploitation. Trafficked Iranian women transit Afghanistan en route to Pakistan.

The Government of Afghanistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Government actors continue to conflate the crimes of kidnapping and trafficking; this poor understanding of trafficking poses an impediment to targeted intervention. An undeveloped judicial and prosecutorial system, judicial delays, corruption, and weak coordination remain obstacles to effectively punishing trafficking offenses. In addition, Afghanistan punishes some victims of sex trafficking with imprisonment for adultery or prostitution, acts committed as a direct result of being trafficked. Although the government lacks resources to provide comprehensive victim protection services and did not adequately punish all identified acts of trafficking, its newly instituted victim referral process, launching of victim referral centers, and passage of anti-trafficking legislation demonstrate progress in providing increased protective services for trafficking victims and punishment of their exploiters.

Recommendations for Afghanistan: Increase law enforcement activities against trafficking, including prosecutions, convictions, and imprisonment for acts of trafficking for commercial sexual exploitation and forced labor, including debt bondage; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked, such as prostitution or adultery; collaborate with NGOs to ensure that all children, including boys, victimized by sex and labor trafficking receive protective services; and undertake initiatives to prevent trafficking, such as instituting a public awareness campaign to warn at-risk populations of the dangers of trafficking.

## Prosecution

Despite the enactment of anti-trafficking legislation, it is not clear whether the Government of Afghanistan adequately prosecuted or punished trafficking offenders over the reporting period. In July 2008, the government enacted an anti-trafficking law, the Law Countering Abduction and Human Trafficking, through presidential decree; the law prescribes penalties of life imprisonment for sex trafficking and maximum term8 imprisonment for labor trafficking, which, in practice, is between eight and 15 years. These penalties are sufficiently stringent and exceed those prescribed for other grave crimes, such as rape. According to government records, there were no prosecutions under the new anti-trafficking legislation. The government, however, reported the convictions of 62 trafficking offenders under statutes criminalizing kidnapping and rape; sentences reportedly ranged from five to 18 years, imprisonment. It is unknown how many cases may have been prosecuted that resulted in acquittals. As the government was unable to provide disaggregated data or specific case information, it is unclear if these offenses meet the definition of trafficking or whether they address labor trafficking offenses. The Ministry of Interior,s (MOI) six-person counter-trafficking unit made some initial arrests and investigated an unknown number of these cases. The government reported difficulty engaging Pakistani authorities for joint investigation of transnational trafficking cases. In 2008, the MOI stationed personnel at airports and border crossings to detect trafficking cases. There was no evidence that the government made any efforts to investigate, arrest, or prosecute government officials facilitating trafficking offenses despite reports of widespread complicity among national and border police.

## Protection

The government,s protection of trafficking victims remained poor, but showed improvements during the reporting period. The government lacked resources to provide victims with protective services directly; NGOs operated the country,s 18 shelters and provided the vast majority of victim assistance, but some faced hardships due to threats from the local community, particularly when assisting in cases that involved so-called &honor8 crimes. Serious concerns remain regarding the government,s punishment of victims of trafficking for acts committed as a direct result of being trafficked. Female trafficking victims continued to be arrested and imprisoned or otherwise punished for prostitution and fleeing forced marriages. However, NGOs noted a decrease in arbitrary detentions after the late 2007 signing of a formalized referral agreement among the MOI, the Ministry of Woman,s Affairs (MOWA), and various shelters, and the opening of two government-run referral centers. Under this new procedure, police refer women victimized by violence to MOWA which, in turn, refers the women, including trafficking victims, to appropriate NGO facilities. The MOI,s referral center in Jalalabad assisted female victims of trafficking and other crimes with support from MOWA and UNIFEM. Its four MOI officers investigated cases and four MOWA paralegals provided support and legal advice to the women. A second referral center opened in April 2008 in Parwan. The government referred and transported victims to IOM and NGOs during the reporting period, but did not provide information on the number of victims assisted in this manner.

An NGO reported that the police referred 23 victims and the MOWA referred four to its shelter in Kabul. The MOI referred the majority of the 40 victims assisted by IOM in 2008. There are no facilities in Afghanistan to provide shelter or specific protective services to male trafficking victims; during the reporting period, some trafficked boys were placed in government-run orphanages and a facility for juvenile criminals while their cases were being investigated. MOWA staff reportedly visited prisons during the reporting period to ensure women and girls in custody are not victims of sex crimes or sex trafficking; concrete results from these prison visits are unknown. There is no evidence that the government

encouraged victims to assist in investigations of their traffickers during the reporting period. The new anti-trafficking law permits foreign victims to remain in Afghanistan for at least six months.

#### Prevention

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During the reporting period, the Afghanistan government made negligible efforts to prevent human trafficking. The government did not carry out any public awareness campaigns to warn at-risk populations of the dangers of trafficking or potential traffickers of the consequences of trafficking. Ministry of Justice officials participated in a televised roundtable discussing the July 2008 anti-trafficking law. The government did not take steps to reduce the demand for commercial sex acts or forced labor during the reporting period. Afghanistan has not ratified the 2000 UN TIP Protocol.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008

contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why is Afghanistan ranked Tier 2 this year?

A: The Government of Afghanistan does not fully comply with

the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In July 2008, the government enacted an anti-trafficking law entitled the &Law Countering Abduction and Human Trafficking.8 Under a formal victim referral agreement between the Ministry of Interior, the Ministry of Woman,s Affairs, and various shelters, police referred women victimized by violence to Ministry of Women,s Affairs which, in turn, referred the women, including trafficking victims, to appropriate NGO facilities. During the year, the Ministry of Interior,s referral center in Jalalabad assisted female victims of trafficking and other crimes with support from the Ministry of Women,s Affairs and UNIFEM. A second referral center opened in April 2008 in Parwan.

Q2: In what areas of anti-trafficking intervention is Afghanistan weak?

A: Government actors continue to conflate the crimes of kidnapping and trafficking; this poor understanding of trafficking poses an impediment to targeted intervention. An undeveloped judicial and prosecutorial system, judicial delays, corruption, and weak coordination remain obstacles to effectively punishing trafficking offenses; the government did not adequately punish all identified acts of trafficking during the year. In addition, Afghanistan punishes some victims of sex trafficking with imprisonment for adultery or prostitution, unlawful acts committed as a direct result of being trafficked.

Q3: What can Afghanistan do to improve its fight against human trafficking?

A: Government actors continue to conflate the crimes of kidnapping and trafficking; this poor understanding of trafficking in persons poses an impediment to targeted interventions. An undeveloped judicial and prosecutorial system, judicial delays, corruption, and weak coordination remain obstacles to effectively punishing trafficking victims. Although the government lacks resources to provide comprehensive victim protection services and did not adequately punish all identified acts of trafficking, its newly instituted victim referral process, launching of victim referral centers, and passage of anti-trafficking legislation demonstrate progress in providing increased protective services for trafficking victims and punishment of their exploiters.

Afghanistan could: increase law enforcement activities against trafficking, including prosecutions, convictions, and imprisonment for acts of trafficking for commercial sexual exploitation and forced labor, including debt bondage; ensure that victims of trafficking are not punished for acts committed as a result of being trafficked, such as prostitution or adultery; collaborate with NGOs to ensure that all children, including boys, victimized by sex and labor trafficking receive protective services; and undertake initiatives to prevent trafficking, such as instituting a public awareness campaign to warn at-risk populations of the dangers of trafficking.

12. The Department appreciates posts, assistance with the preceding action requests.  
CLINTON